

# Notice of Allowability

Application No.

09/900,961

Examiner

Sow-Fun Hon

Applicant(s)

SHIMIZU ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 7/28/04.
2. ☒ The allowed claim(s) is/are 15,16,18-22,26-29 renumbered 1, 11, 2-6,7-10.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 05262005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **ELECTION/RESTRICTIONS**

1. New method claims 30-33 were non-elected, withdrawn without traverse by Applicant's representative, Michele Mayberry, on May 9<sup>th</sup>, 2005, subject to a restriction requirement by the Office.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michele Mayberry on May 26, 2005.

The application has been amended as follows:

3. New method claims 30-33 are cancelled.

### **REASONS FOR ALLOWANCE**

4. Claims 15-16, 18-22, 26-29 are allowed.
5. The following is an examiner's statement of reasons for allowance:

The closest cited prior art US 6,512,562, fails to teach or suggest, a polarizing plate comprising a first protective film, a polarizing film and a second protective film, wherein at least one of the first protective film and the second protective film is a

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cellulose ester film comprising a cellulose ester, fine particles having an average particle diameter of 0.01 to 1.0  $\mu\text{m}$  and a polymer prepared by polymerizing at least one ethylenically unsaturated monomer selected from the group consisting of vinyl esters and acrylic esters, the polymer having a weight average molecular weight of not more than 5,000, wherein the rate of mass change of the cellulose ester film is not more than 2 %, the rate of mass change being represented by the following formula: Rate of mass change (%) =  $(|y - x| / y) \times 100$  wherein y is the weight of the cellulose ester film measured at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH, and z is the weight of the cellulose ester film measured at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH after the film has been stored at  $80 \pm 3^\circ\text{C}$  and at  $90 \pm 3\%$  RH for 48 hours, and then stored at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH for 24 hours.

'562 fails to teach that the rate of mass change of the cellulose ester film is not more than 2 %, the rate of mass change being represented by the following formula: Rate of mass change (%) =  $(|y - x| / y) \times 100$  wherein y is the weight of the cellulose ester film measured at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH, and z is the weight of the cellulose ester film measured at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH after the film has been stored at  $80 \pm 3^\circ\text{C}$  and at  $90 \pm 3\%$  RH for 48 hours, and then stored at  $23 \pm 3^\circ\text{C}$  and at  $55 \pm 3\%$  RH for 24 hours.

Applicant has demonstrated in Table 1 of Applicant's specification that the claimed rate of mass change, corresponding to the retention property, is not inherent in a cellulose ester film of the same thickness in '562 (See Applicant's arguments in the remarks section dated 01/15/05).

There is no motivation to combine '562 with US 4,023,977. Furthermore, '977 fails to teach the claimed rate of mass change of the cellulose film.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S. Hon*  
Sow-Fun Hon

*05/26/05*

*Harold Pyon*  
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SUPERVISORY PATENT EXAMINER  
*1772*

*5/26/05*